**IN THE HIGH COURT OF UTTARAKHAND**
**AT NAINITAL**

**Writ Petition No. 950 (S/S) of 2007**

Smt. Neelam Nautiyal W/o Sri Naresh Kumar Nautiyal
Assistant Teacher Kanya Purwa Madhyamik Vidyalaya, Aamsaur, Block-Dugadda
District-Pauri Garhwal ---------- Petitioner

Versus

1. State of Uttarakhand through Director of Education, Dehradun
2. District Education Officer, Pauri Garhwal, District Pauri Garhwal
3. Additional District Education Officer, Pauri Garhwal

-------- Respondents

**Hon'ble M.M. Ghildiyal, J.**

Heard Sri Sandeep Kothari, learned counsel for the petitioner and Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has challenged the order dated 05.06.2007 passed by respondent no. 3, Additional District Education Officer, Pauri Garhwal transferring the petitioner from Girls Junior High School, Aamsaur, Block Dugadda to Girls Junior High School Barkhasain, Block Rikharidhal, Pauri Garhwal on the ground of inconsistent subject.

The petitioner has challenged this order on two grounds. First is that she is suffering from Rheumatic heart disease and was referred to All India Institute of Medical Sciences, New Delhi, by the doctor of District Hospital, Pauri Garhwal on 01.06.1994 and since then she is getting treatment from All India Institute of Medical Sciences, New Delhi. Due to this disease, the petitioner was earlier

transferred to the present place of posting which is in close vicinity of road connecting Dugadda to Kotdwar.

The second ground on which the petitioner has challenged the impugned order is that one Smt. Leelawati, who is also a Science Teacher, was also transferred in the years 1999, 2003 and again in 2005, however, she managed to remain at the present place of posting and did not obey the aforesaid three transfer orders with the consequence the petitioner has now been transferred on the ground of inconsistent subject.

Learned counsel for the petitioner has further submitted that considering the health of the petitioner and the disease from which she is suffering and the fact that another teacher, Smt. Leelawati who was transferred thrice by the department, but did not join at new place of posting, the petitioner has already moved a representation to District Education Officer, Pauri Garhwal on 03.06.2007, Annexure 7 to the writ petition. The said representation, as alleged by the petitioner, is still pending before respondent no. 2.

In the circumstances, without going into the merits of the case, I deem it fit and proper to direct the respondent no. 2 District Education Officer, Pauri Garhwal to take decision on the representation of the petitioner within a period of two weeks from the date of production of a certified copy of this order before him. Petitioner is also directed to submit a certified copy of this order before respondent no. 2 within 10 days from today.

Till decision is taken by the District Education Officer, Pauri Garhwal on the representation of the petitioner or till 25$^{th}$ August,

2007, whichever is earlier, the order of transfer shall be kept in abeyance in case the petitioner has not already been relieved from the present place of posting.

With direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

**(M.M. Ghildiyal, J.)**

**25.07.2007**
**VKS**